

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incidents:	June 6, 2016, approximately 11:30 p.m., near 1600 W. 69 th Street, Chicago, Illinois, through June 7, 2016, approximately 12:30 a.m., at 1438 W. 63 rd Street, Chicago, Illinois.
Date/Time of IPRA Notification:	June 7, 2016, approximately 2:09 a.m.
Involved Member #1:	Shane Coleman Star #15359, Employee ID# [REDACTED]; Date of Appointment: May 1, 2013; Rank: Police Officer; Unit of Assignment: 353; DOB: [REDACTED], 1988; M/W
Involved Member #2:	Michael McAuliffe Star #17404, Employee ID# [REDACTED]; Date of Appointment: April 1, 2013; Rank: Police Officer; Unit of Assignment: LOA; DOB: [REDACTED], 1982; M/W
Involved Member #3:	Robert S. Bandola Star #7610, Employee ID# [REDACTED]; Date of Appointment: November 27, 2006; Rank: Police Officer / FTO; Unit of Assignment: 007; DOB: [REDACTED], 1983; M/W
Involved Member #4:	Patrick R. Josephs Star #1448, Employee ID# [REDACTED]; Date of Appointment: October 25, 2004; Rank: Sergeant; Unit of Assignment: 007; DOB: [REDACTED], 1972; M/B
Involved Member #5:	Raul Nava, Star #4496, Employee ID# [REDACTED]; Date of Appointment: December 14, 2012; Rank: Police Officer; Unit of Assignment: 007; DOB: [REDACTED], 1994; M/H
Involved Member #6:	Wayne A. Wiberg Star #514, Employee ID# [REDACTED]; Date of Appointment: May 2, 1994; Rank: Lieutenant; Unit of Assignment: 020; DOB: [REDACTED], 1970; M/W
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1984; M/B

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

Case Type: | Alleged improper arrest; alleged excessive force.

I. ALLEGATIONS²

Member	Allegation	Finding
Officer Coleman	<p>1. On June 6, 2016, at approximately 11:00 p.m., at or near 1600 W. 69th Street, Chicago, Illinois, the accused arrested the Complainant without probable cause to believe that he had committed an offense.</p> <p>2. On June 6, 2016, at approximately 11:00 p.m., at or near 1600 W. 69th Street, Chicago, Illinois, the accused used excessive force in effecting the Complainant’s arrest.</p> <p>3. On June 6, 2016, commencing at approximately 11:00 p.m. at 1438 W. 63rd Street, Chicago, Illinois, and continuing through June 7, 2016 at approximately 12:00 a.m., the accused used excessive force against the Complainant in processing him after his arrest.</p> <p>4. On June 7, 2016, at approximately 12:00 a.m., at 1438 W. 63rd Street, Chicago, Illinois, the accused did not timely respond to the Complainant’s request for immediate medical care.</p>	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>EXONERATED</p> <p>EXONERATED</p>
Officer McAuliffe	<p>1. On June 6, 2016, at approximately 11:00 p.m., at or near 1600 W. 69th Street, Chicago, Illinois, the accused arrested the Complainant without probable cause to believe that he had committed an offense.</p> <p>2. On June 6, 2016, at approximately 11:00 p.m., at or near 1600 W. 69th Street, Chicago, Illinois, the accused used excessive force in effecting the Complainant’s arrest.</p> <p>3. On June 6, 2016, commencing at approximately 11:00 p.m. at 1438 W. 63rd Street, Chicago, Illinois, and continuing through June 7, 2016 at approximately</p>	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>EXONERATED</p>

² No formal allegations were ever served on any of the involved members by the IPRA. The recorded revealed that the involved CPD members were in substantial compliance with applicable CPD policy concerning the search of [REDACTED] While [REDACTED] did have a lighter on him post search, we find the recovery of a prohibited item from [REDACTED] alone does not amount to misconduct. Furthermore, the investigation failed to uncover ample evidence that would definitely established the thoroughness of any search conducted on [REDACTED]

Member	Allegation	Finding
Officer McAuliffe (continued)	<p>12:00 a.m., the accused used excessive force against the Complainant in processing him after his arrest.</p> <p>4. On June 7, 2016, at approximately 12:00 a.m., at 1438 W. 63rd Street, Chicago, Illinois, the accused did not timely respond to the Complainant's request for immediate medical care.</p>	EXONERATED
Officer Bandola	<p>1. On June 7, 2016, at approximately 12:00 a.m. at 1438 W. 63rd Street, Chicago, Illinois, the accused used excessive force upon the Complainant in processing the Complainant after his arrest.</p> <p>2. On June 7, 2016, at approximately 12:00 a.m., at 1438 W. 63rd Street, Chicago, Illinois, the accused did not timely respond to the Complainant's request for immediate medical care.</p>	EXONERATED EXONERATED
Sgt. Josephs	<p>1. On June 7, 2016, at approximately 12:00 a.m. at 1438 W. 63rd Street, Chicago, Illinois, the accused used excessive force upon the Complainant in processing the Complainant after his arrest.</p> <p>2. On June 7, 2016, at approximately 12:00 a.m., at 1438 W. 63rd Street, Chicago, Illinois, the accused did not timely respond to the Complainant's request for immediate medical care.</p>	EXONERATED EXONERATED
Officer Nava	<p>1. On June 7, 2016, at approximately 12:00 a.m. at 1438 W. 63rd Street, Chicago, Illinois, the accused used excessive force upon the Complainant in processing the Complainant after his arrest.</p> <p>2. On June 7, 2016, at approximately 12:00 a.m., at 1438 W. 63rd Street, Chicago, Illinois, the accused did not timely respond to the Complainant's request for immediate medical care.</p>	EXONERATED EXONERATED
Lt. Wiberg	<p>1. On June 7, 2016, at approximately 12:00 a.m. at 1438 W. 63rd Street, Chicago, Illinois, the accused used excessive force upon the Complainant in processing the Complainant after his arrest.</p> <p>2. On June 7, 2016, at approximately 12:00 a.m., at 1438 W. 63rd Street, Chicago, Illinois, the accused did</p>	EXONERATED EXONERATED

	not timely respond to the Complainant’s request for immediate medical care.	
Officer Wojtaczka	1. On June 7, 2016, at approximately 12:00 a.m. at 1438 W. 63 rd Street, Chicago, Illinois, the accused used excessive force upon the Complainant in processing the Complainant after his arrest.	EXONERATED
	2. On June 7, 2016, at approximately 12:00 a.m., at 1438 W. 63 rd Street, Chicago, Illinois, the accused did not timely respond to the Complainant’s request for immediate medical care.	EXONERATED

II. SUMMARY OF EVIDENCE³

Multiple videos captured the incident. The videos show the interior of the 007th District Station⁴ depict the involved officers forcibly removing ██████████ (██████████) from a processing area and carrying him to a holding cell. They show no other use of force by Chicago Police Department (“CPD”) members against ██████████. They also show ██████████ lit shirt being slid out from under the door of his holding cell, followed by officers arriving to extinguish the fire. They also show officers evacuating arrestees, including ██████████ from their holding cells, and they show officers carrying ██████████ as they do so.

██████████ gave an interview to Independent Police Review Authority investigators and was deposed in a civil action that arose out of the incident. Additionally, ██████████ was also deposed in a civil action not involving CPD that arose out of a separate incident. ██████████ stated that he has been a paraplegic since 1997⁵ and that he was on crutches at the time of the arrest under investigation.⁶ ██████████ stated that he had been stopped by two plain-clothed CPD officers (now known to be Officers Coleman and McAuliffe) and that he then consented to a search of his person by the officers.⁷ ██████████ stated that the officers took his crutches out from under his arms during the search, that he fell to the ground as a result, and that the officers then handcuffed him while he was on the ground.⁸ ██████████ further stated that the officers treated him roughly in lifting him from the ground and in placing him in their vehicle.⁹

³COPA conducted an investigation of this matter, including the review of interviews of pertinent civilian and officer witnesses, and the review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

⁴ Attachments ## 16 and 94.

⁵ Attachment #88, p. 193, line 23, through p. 194, line 3.

⁶ Attachment #28, p. 4, line 10, through p. 5, line 1. The arrest took place on June 6, 2016, at approximately 11:30 p.m., in an alley near 1600 W. 69th Street, Chicago, Illinois. Attachment #5. Chicago.

⁷ Id., p. 5, line 5, through p. 7, line 4.

⁸ Id., p. 7, lines 5 – 14.

⁹ Id., p. 7, line 21, through p. 12, line 17.

█████ stated that he was then transported to a police facility (now known to be the 007th District Station), where officers tackled him to the floor and stepped on his neck.¹⁰ █████ stated that officers then dragged him to a cell, that the officers locked him in, and refused his request for medical attention.¹¹ █████ stated that, once in the cell, he removed his shirt, lit it on fire, and slid it under the cell door into an adjacent hallway.¹² █████ stated that officers came to his cell with a fire extinguisher, which they sprayed on █████.¹³ █████ stated that officers then dragged him from his cell and stomped on his neck.¹⁴ █████ stated that paramedics then arrived and transported him to Holy Cross Hospital.¹⁵

█████ stated that he has only used crutches fewer than ten times in his entire life,¹⁶ and that he had fallen each of those times.¹⁷ █████ further stated that he fell at the 007th District Station in part because the rubber tip on the bottom of one his crutches had become dull, but that he was unsure how that had happened.¹⁸ █████ admitted that he spat on a CPD officer (determined by COPA to be Officer Bandola) while he was in custody at the 007th District Station, though he denied doing so intentionally.¹⁹ █████ denied that he had spit in the face of a police officer during the unrelated incident.²⁰ In a deposition in the civil case arising out of that incident, █████ admitted that he had done so.²¹

In that deposition, █████ also stated that he used crutches so often that he wore out their rubber pads and rubber tips, and that at one point, he went through approximately seven pairs of crutches a year.²² █████ also then testified that he could ambulate using crutches by using upper body strength to swing his legs, and that physicians who have observed him ambulate this way have called that a “miracle.”²³ █████ stated that he preferred to use crutches as opposed to using a wheelchair because of the ease of mobility provided by crutches.²⁴ █████ stated that a physician told him that his regular use of crutches had led to arm problems.²⁵

Chicago Fire Department (“CFD”) records²⁶ show that █████ was *yelling loudly* at the time that paramedics arrived at the 007th District to treat and remove him, that those paramedics *observed no injuries* to █████ other than small abrasions, that █████ appeared to them not to

¹⁰Id., p. 19, line 21, through p. 25, line 2.

¹¹Id., p. 22, line 23, through p. 23, line 14.

¹²Id., p. 25, line 8, through p. 27, line 16. In a *Report of Extraordinary or Unusual Occurrences* (Attachment #4 is a copy), Lt. Wiberg attributed the failure of officers to discover █████ cigarette lighter to the officers’ immediate need to place █████ in a holding cell due to █████ aggressive behavior and to legal proscriptions which prevented them from searching █████ undergarments. See Attachment #4, p. 2.

¹³Id., p. 31, lines 12 – 22.

¹⁴Id., p. 33, line 16, through p. 34, line 24.

¹⁵Id., p. 41, line 8, through p. 44, line 17.

¹⁶Id., p. 30, line 19, through p. 31, line 5; p. 36, line 24, through p. 37, line 5; p. 37, lines 19 – 22.

¹⁷Id., p. 31, line 24, through p. 32, line 5.

¹⁸Attachment #88, p. 134, line 13, through p. 135, line 1.

¹⁹Id., p. 122, lines 16 – 18; p. 122, line 22, through p. 123, line 7; p. 124, lines 2 – 8.

²⁰Id., p. 64, line 24, through p. 65, line 5.

²¹Attachment #90, p. 188, line 22, through p. 189, line 14; p. 251, line 16.

²²Id., p. 326, lines 1 – 19.

²³Id., p. 22, line 17, through p. 23, line 12.

²⁴Id., p. 323, line 11, through p. 324, line 13.

²⁵Id., p. 37, lines 4 – 16.

²⁶Attachment #22.

have suffered burns or injury, that ██████ denied having any injury or trouble breathing, and that ██████ stated that he had set the fire in order to be removed from CPD custody to a hospital.

Medical records²⁷ show that ██████ was transported to Holy Cross Hospital (“HCH”) by the paramedics, where ██████ alleged that he had been battered.²⁸ The records show that ██████ voice worsened while he was at HCH, that ██████ then complained of difficulty in swallowing, that testing showed swelling in his airway, and that HCH staff intubated ██████ as a result.²⁹ The records also show that a CT scan of ██████ neck showed “no definite acute fracture”³⁰ and that images of ██████ spine, forearms, elbows, knees, hands, also revealed no evidence of fracture.³¹ The records also show that ██████ was admitted to Mt. Sinai Medical Center (“MSMC”) on June 7, 2016 upon his discharge from HCH,³² that ██████ was extubated at MSMC on June 8, 2016 without complication,³³ and that he was discharged from MSMC on June 9, 2016. The records show that ██████ was transferred to Cermak Health Services of Cook County and was examined there on June 9, 2016, showing no sign of traumatic injury.³⁴

III. ANALYSIS AND CONCLUSION

Allegations 1 and 2 against Officers Coleman and McAuliffe are that they arrested ██████ without probable cause to believe that he had committed an offense and that they used excessive force in effecting that arrest, respectively. No video depicting any part of ██████ arrest is known to exist. COPA is unaware that any of Officer Coleman, Officer McAuliffe, or Hudson has any record or final determination of deception or untruthfulness in legal proceedings, administrative investigations, or other investigations. The officers’ version of the incident differs materially from ██████ version. In the officers’ version, they arrested ██████ because he grabbed Officer Coleman’s wrist and shoved Officer Coleman away in an aggressive manner.³⁵ In ██████ version, the officers knocked his crutches away.³⁶ COPA cannot fully credit ██████ version because the evidence demonstrates his lack of credibility due to multiple inconsistent statements throughout his IPRA interview and depositions. However, COPA is unable to determine, by clear and convincing evidence, that the officers’ arrest of ██████ was lawful and proper. Allegations 1 and 2 against Officers Coleman and McAuliffe are therefore not sustained.

With respect to the remaining allegations against all the involved CPD members, which arise out of ██████ post-arrest processing, COPA has determined, by clear and convincing evidence, that the officers’ conduct did not amount to actionable misconduct. District 7 video contradicts ██████ description of his treatment by the officers, and it does not support his claim that the officers physically abused him. That same footage also demonstrates that the officers summoned a CFD ambulance immediately after they used a fire extinguisher to put out a fire started by

²⁷Attachments ## 10, 38, and 73.

²⁸Attachment #10, p. 10.

²⁹*Id.*, p. 17.

³⁰*Id.*, p. 69.

³¹*Id.*, pp. 71 -72

³²Attachment #38.

³³*Id.* at pp. 29 – 30.

³⁴Attachment #73.

³⁵Attachment 7, p. 3.

³⁶Attachment #28, p. 7, lines 5 – 14.

████████ CFD records show that responding CFD personnel examined ██████ at the 007th District Station and that they then determined that ██████ non-respiratory injuries consisted of abrasions. Those records also show that ██████ was yelling loudly at the time of the CFD’s arrival at the scene and that the CFD then observed no evidence of injury to ██████ neck. MSMC staff documented no indication of neck injury after extubating ██████ further belying ██████ claim to have sustained a crushed larynx as result of the officers’ conduct. That ██████ suffered no injury indicative of the misconduct he describes clearly and convincingly shows that ██████ claims of abuse are groundless. Therefore, the involved officers are **EXONERATED** with respect to ██████ allegations arising out of his post-arrest processing.

Approved:

████████

July 15, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	Squad 3
Investigator:	Francis Tighe
Supervising Investigator:	Matthew Haynam
Deputy Chief Administrator:	Andrea Kersten